

STATEMENT OF P.O. THOMAS GAFFNEY

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 21, 2014 AT 0406 HOURS

AT AREA CENTRAL POLICE HEADQUARTERS

LOG # 1072125
Attachment ~~76~~ 95
160

1 KILLEN: This is the audio recorded interview of Officer
2 Thomas Gaffney regarding Log number 1072125 U
3 number 14 dash 36. Today is the 21st of October
4 2014. And the time is approximately 0406 hours.
5 This statement is bein' taken at Area Central
6 Police Headquarters at 51st and Wentworth. My
7 name is Investigator Killen, that's spelled K I L
8 L E N. My star number is 1 2 9. Also present is
9 FOP attorney Dan Herbert. (noise) Dan if you
10 would say and spell your first and last names.
11 HERBERT: Sure Dan, D A N, Herbert, H E R B E R T.
12
13 KILLEN: And uh also is uh FOP Representative Kato.
14 KATO: K R I S T O N. Last name is K A T O. (clears
15 throat) FOP.
16
17 KILLEN: And Officer Gaffney if you would say and spell
18 your first and last names for me.
19 P.O.GAFFNEY: My first name Thomas Gaffney, T H O M A S.
20 G A F F N E Y.
21
22 KILLEN: Okay and what's your star number?
23 P.O.GAFFNEY: 1 9 9 5 8.
24
25 KILLEN: And your employee number?
26 P.O.GAFFNEY: [REDACTED].
27
28 KILLEN: And your uh current unit of assignment? (noise)
29 P.O.GAFFNEY: 8TH District.
30
31 KILLEN: Okay and (noise) what's your date of appointment
32 with the (noise) Department?

1 P.O.GAFFNEY: Uh 8 July '96.
2
3 KILLEN: And your date of birth?
4 P.O.GAFFNEY: [REDACTED].
5
6 KILLEN: How long you been in 8?
7 P.O.GAFFNEY: Uh since 2000, 2001 I'm sorry. Summer
8 2001. (clears throat)
9
10 KILLEN: All right and then you're aware that this
11 statement has the standing of an official
12 Department report. And that any intentional
13 falsification of any answer to any question would
14 be in direct violations of rules and regulations?
15 P.O.GAFFNEY: Yes.
16
17 KILLEN: Given that, I (sighs) I'd like to remind you that
18 failure to provide a complete and accurate
19 account of this incident could result in a
20 finding of Rule 14 with discipline leading up to
21 and including separation from the Chicago Police
22 Department. Do you understand that?
23 P.O.GAFFNEY: Yes.
24
25 KILLEN: All right and then you're aware that there are no
26 allegations against you uh regarding this
27 incident correct?
28 P.O.GAFFNEY: Yes.
29
30 KILLEN: Okay. So on 20 October 2014 at approximately
31 2150 hours what was your duty status and
32 assignment?

1 P.O.GAFFNEY: Uh this statement is not being given
2 voluntary but under duress. I am only givin'
3 this statement because I know I will be fired if
4 I refuse.
5
6 KILLEN: Okay. So yesterday 20 October 2014 approximately
7 2150 hours what was your duty status?
8 P.O.GAFFNEY: Um I was on duty workin' Beat 815 Robert.
9
10 KILLEN: Okay. And were you uh were you assigned a
11 partner?
12 P.O.GAFFNEY: Yes I was, Joseph McElligott.
13
14 KILLEN: Okay were you uniformed?
15 P.O.GAFFNEY: Yes.
16
17 KILLEN: And so was McElligott right?
18 P.O.GAFFNEY: Yes.
19
20 KILLEN: Okay. And you and Officer McElligott you guys
21 were assigned a car?
22 P.O.GAFFNEY: Yes.
23
24 KILLEN: What kinda car?
25 P.O.GAFFNEY: Uh squad, marked squad car uh Tahoe.
26
27 KILLEN: Okay. Were you the driver or the passenger?
28 P.O.GAFFNEY: I was the driver.
29
30 KILLEN: Okay. And then last night about 2150 hours you
31 and uh Officer McElligott were witnesses to a
32 police-involved shooting correct?

1 P.O.GAFFNEY: Yes.
2
3 KILLEN: All right and um (someone clears throat) if you
4 would, if you'd start from the beginning and just
5 run me through what happened.
6 P.O.GAFFNEY: Uh we received a call holding offender at
7 forty, 4100 South Kildare. Um there supposedly
8 somebody had broken into a, a truck uh vehicles
9 um tryin' to get radios somethin' like that. So
10 we, we were on Archer approximately Kostner
11 Kenneth. I came uh, came to the (noise) we got
12 the job came uh down Kostner to 47th, 47th to
13 Kildare and Kildare right to 4100 South Kildare.
14
15 KILLEN: So you were comin' from the south goin' north
16 correct?
17 P.O.GAFFNEY: Yes.
18
19 KILLEN: Okay. (someone clears throat) So you got the
20 call are you, you were dispatched?
21 P.O.GAFFNEY: Yes.
22
23 KILLEN: OEMC?
24 P.O.GAFFNEY: Yes.
25
26 KILLEN: Radio?
27 P.O.GAFFNEY: Yes.
28
29 KILLEN: Okay. So then when you get to 41st and Kildare
30 what, what happens?
31 P.O.GAFFNEY: Uh there was a [REDACTED] [REDACTED] and a [REDACTED]
32 [REDACTED] uh standing by a gate um to the truck

1 yard. Um the gate was partially opened and uh
2 the [REDACTED] had a chain in 'er hand and then we
3 stopped and spoke to them.
4

5 KILLEN: Whaddid they tell ya?

6 P.O.GAFFNEY: They said that the guy just went around the
7 corner. Um he was uh in the, in the you know lot
8 tryin' to get um tryin' to get into trucks. Uh
9 he had uh somethin' in his hand, he had uh a wire
10 from a phone in his hand. And he said somethin'
11 about a iPhone, I don't know if he was sayin'
12 that he took an iPhone or he left an iPhone but
13 he said that he went around the corner so then
14 we, we asked 'em you know what he looked like,
15 what he was wearin'? He said he's a male black
16 with the dark shirt. So at that time we, we went
17 up the street and turned the corner. (someone
18 clears throat)
19

20 KILLEN: So they, they, did those two, that, did that [REDACTED]
21 and [REDACTED] tell you which way the, the offender
22 went?

23 P.O.GAFFNEY: Yes. Yeah he just pointed, he pointed north
24 um and he said he went around the corner.
25

26 KILLEN: Okay so then that'd, that's 41st Street?

27 P.O.GAFFNEY: Yeah towards 40th Street.
28

29 KILLEN: Okay. And what happens then?

30 P.O.GAFFNEY: So we went, we went up the, up the block to
31 40th Street and we turned um east on 40th Street
32 and we, (inaudible) when we turned we seen um you

1 know somebody walkin'. So we approached 'em,
2 drove up to 'em and at that time we seen it was a
3 male black with dread locks. You know and he had
4 a dark shirt on. So at that time my, my partner
5 had gotten outta the vehicle (clears throat) and
6 he had his flashlight you know he's shining on
7 'em. You know tell 'em to come 'ere. So at that
8 time he just kinda had a look, you know a weird
9 look in his face you know like glazed eyes and
10 stuff lookin' at us. So I stayed in my car in
11 case he was gonna run. So at that time you know
12 my partner kind of approached 'em a lil bit more
13 and that's when he, he had seen you know tell 'em
14 to get his hands outta his pocket cause he had
15 one hand in his pocket. And then he had seen
16 something in his you know a shiny object in his
17 hand. And I, I heard 'em say you know he's got a
18 knife. So that's when you know cuz then I, at
19 first I was still in the car so I didn't really
20 see, see the knife at that time. But once my
21 partner said that that's when I kinda looked and
22 I, at that time like I said we're all still
23 walking or still moving. So then the street
24 lights were a lil bit more as we were walkin' I,
25 I seen a knife also in his hand.

26
27 KILLEN: Okay so this, so this point when you first see
28 this guy he's on what street?

29 P.O.GAFFNEY: He's on 40th Street.

30
31 KILLEN: And he's, he's headed which way?

32 P.O.GAFFNEY: Uh east.

1
2 KILLEN: So he's headed toward Pulaski?
3 P.O.GAFFNEY: Yes.
4
5 KILLEN: All right is he by himself?
6 P.O.GAFFNEY: Yes.
7
8 KILLEN: Is he, like is he on the sidewalk --
9 P.O.GAFFNEY: On the, at that time he was on the sidewalk.
10
11 KILLEN: Which side of the street would he be on?
12 P.O.GAFFNEY: Uh south side.
13
14 KILLEN: So on the passenger side of your vehicle?
15 P.O.GAFFNEY: Yes. Yes.
16
17 KILLEN: All right so then you guys pull up, you pulled
18 alongside of 'em?
19 P.O.GAFFNEY: Yes.
20
21 KILLEN: And then the officer --
22 P.O.GAFFNEY: Not quite, well not quite right next to 'em
23 but yeah he was still like I said he was still
24 walking but he was in front of the car. You know
25 like in front of the area as we were walkin' and
26 movin' at the same time.
27
28 KILLEN: You're kinda behind 'em?
29 P.O.GAFFNEY: Yeah, yeah but yeah.
30
31 KILLEN: And McElligott gets outta the car?
32 P.O.GAFFNEY: Yes.

1
2 KILLEN: Flashlight in hand.
3 P.O.GAFFNEY: Yes.
4
5 KILLEN: And he says come here?
6 P.O.GAFFNEY: Well yeah, yeah he starts you know come
7 here. You know get your hand outta your pocket.
8 And you know but he, he like I said he turned
9 around, spun around a couple times and
10 (inaudible) get to walking never said anything to
11 us.
12
13 KILLEN: Which hand was in his pocket do you remember?
14 P.O.GAFFNEY: I think it was his left hand cause he had
15 the other hand had whatever was in his, you know
16 what he had in his hand at the time.
17
18 KILLEN: And do you know what was in his hand?
19 P.O.GAFFNEY: Not at that time I didn't.
20
21 KILLEN: Okay.
22 P.O.GAFFNEY: Like I said my partner, he, when my, my
23 partner said he's got a knife that's when I kinda
24 you know like I said as we were walkin' the
25 street lights got a lil brighter and I was able
26 to kinda look you know look over at the, and then
27 see that he did have, you could tell you know it
28 was in his hand and the blade was stickin' out.
29
30 KILLEN: Okay. And when you say he turned around a couple
31 times does he keep 'em goin' east toward Pulaski?
32 P.O.GAFFNEY: Yeah he, he always kept goin'.

1

2 KILLEN: So he never stops?

3 P.O.GAFFNEY: No he never stopped he just kept walkin'. A
4 couple times he went into the street but not,
5 just like a step or two in the street but he just
6 kept walkin' eastbound.

7

8 KILLEN: And he was by himself?

9 P.O.GAFFNEY: Yes.

10

11 KILLEN: All right so then so McElligott approaches 'em
12 and then you hear McElligott say he's got a
13 knife?

14 P.O.GAFFNEY: Yeah when he said he has a knife that's when
15 I you know that's when I kinda like sat up a lil
16 bit to look, to look, get a better look and
17 that's when I, I seen it too.

18

19 KILLEN: Okay that was in his right hand then? Is that --

20 P.O.GAFFNEY: Yeah, yeah it was in his right hand.

21

22 KILLEN: So what happens then?

23 P.O.GAFFNEY: Uh at that time like I said (noise) my
24 partner still kept you know tellin', that's what
25 he said drop the knife, drop the knife. You know
26 put the knife down whatever. And I got on the
27 radio and you know got on the radio and said you
28 know the guy's got a knn, we're at 40th and Kee,
29 uh Keeler approachin' Keeler. Uh he's got a
30 knife. Could we get another car over here with a
31 taser.

32

1 KILLEN: So you don't carry a taser?

2 P.O.GAFFNEY: No I didn't, no.

3

4 KILLEN: McElligott he doesn't carry --

5 P.O.GAFFNEY: No he didn't have one either.

6

7 KILLEN: Okay. So what happens then?

8 P.O.GAFFNEY: Well like I said we I, I, I called it in
9 then the dispatcher you know asked for other cars
10 and other cars said they were comin'. So we
11 just, we just kept stayin' you know keepin' our
12 distance at the time you know I kept drivin'
13 along. And um we just (noise) kept walkin' with
14 'em (noise) You know he never you know like came
15 at us or anything at that time. He just kept
16 like walkin', my partner still kept givin' 'em
17 verbal commands and droppin' the knife and you
18 know stop and that type a thing. But you know he
19 just kept walkin' turning around lookin' back at
20 us you know just that weird glaze look.

21

22 KILLEN: Did he ever say anything?

23 P.O.GAFFNEY: No never said a word to us at all.

24

25 KILLEN: Okay.

26 P.O.GAFFNEY: (Clears throat)

27

28 KILLEN: So then what happens?

29 P.O.GAFFNEY: We kept (noise) goin' east. When we're,
30 we're approaching uh Karlov, 40th and Karlov I
31 knew the next block there was the Burger King,
32 there was a truck lot so we were gonna get more

1 people. So as we approached the, pretty much the
2 corner of Karlov I like kinda turned my car
3 towards him a lil bit on you know and you know to
4 try and maybe get 'em to go down Karlov cause
5 there's more, you know there's just factories so
6 there's no people down that way. So and then uh -

7

8

9 KILLEN: So the purpose of doin' that is keep 'em away
10 from --

11 P.O.GAFFNEY: Yeah like try to slow 'em down until other
12 cars got 'ere and make 'em see if he would maybe
13 even go down the side street.

14

15 KILLEN: Okay.

16 P.O.GAFFNEY: You know keep 'em from getting to that more
17 populated area where there were cars and people.
18 (someone clears throat) So when I did that, he
19 kinda like took a step towards and swung his uh,
20 his arm down. When he did that that's when I
21 heard like pssss a sound and I knew that he
22 popped a tire. (noise)

23

24 KILLEN: Okay.

25 P.O.GAFFNEY: And then one, once he did that I got on the
26 radio and said you know squad he just popped our
27 tire. So (clears throat) --

28

29 KILLEN: Where's McElligott at this time?

30 P.O.GAFFNEY: He was still walk but he was, he was still
31 walkin' with us but he was at like towards the
32 back of the car.

1

2 KILLEN: Okay.

3 P.O.GAFFNEY: You know the back you know he still kept his
4 distance. So (noise) (clears throat) once he did
5 that, once he popped the tire again he just with
6 that glazed stare, that glazed eye stare once he
7 did that he like stepped back like took a step
8 back, back away from the car. So I pulled up a
9 lil bit further in front of 'em to you know try
10 and maybe stop 'em or get 'em to go down that
11 street. That's when he just took a step toward
12 me and swung his arm really hard and hit the
13 windshield with the knife.

14 HERBERT: And if I could just indicate for the record, with
15 his right hand holdin' behind his, behind his
16 head (someone clears throat) bringin' it down in
17 a striking motion.

18 P.O.GAFFNEY: Yeah he, he as hard as he could he was
19 attempting to break that windshield.

20

21 KILLEN: And how many times did he hit the windshield?

22 P.O.GAFFNEY: Just once. It was just once. Went real hard
23 swing right, right on the windshield.

24

25 KILLEN: What happens?

26 P.O.GAFFNEY: Obviously nothin', I didn't see nothin'
27 break but then he walked around the front of the
28 car and kept walkin' eastbound on 40th Street.
29 And then at that time, maybe 10 to 15 more feet
30 that's when you could hear um some you know some
31 sirens. And then a squad car came off a Pulaski
32 onto 40th Street with their lights on. At that

1 time he seen that and that's when he started to
2 run. Oh yeah I, I, I (noise) got on the radio
3 and some, one, one of us, I don't remember but
4 somebody did say that he was you know he started
5 to run towards you know towards the, the truck
6 lot, the trucks.
7
8 KILLEN: Okay so, so you're still basically sittin' over
9 at 40th and Karlov right? You see 'nother car
10 come up Pulaski?
11 P.O.GAFFNEY: Yeah that's, yeah he, 'nother car came off
12 Pulaski onto 40th Street.
13
14 KILLEN: So --
15 P.O.GAFFNEY: That, that's when he seen that and that's
16 when he started runnin'.
17
18 KILLEN: So when they turn west on 40th he runs --
19 P.O.GAFFNEY: Yeah he runs --
20
21 KILLEN: -- east towards Pulaski?
22 P.O.GAFFNEY: -- he, he, he's still goin' towards Pulaski
23 but he went off a, off a the sidewalk and um
24 into, it was like a, an empty space where the
25 trucks, the truckers park so they can sleep or
26 whatever. And he (noise) ran that way between
27 two trucks.
28
29 KILLEN: Okay. (noise)
30 P.O.GAFFNEY: So at that time (noise) my partner started
31 runnin' and I drove the car, I drove the car up
32 to the entrance of the Burger King lot and went

1 into the Burger King lot. And before I did that
2 the other car that came off went into the Burger
3 King lot also. So I just, I seen 'em come outta,
4 between the trucks. I ran, I kept drivin'
5 towards, towards the, the end of the lot, towards
6 Pulaski and that's, he ran and then I stopped
7 cause I (noise) my tire was pretty much flat. So
8 I couldn't get, I wasn't gonna go over the curb
9 and then the other car was behind 'em. He ran
10 into like towards the street and the other car
11 followed 'em went over the curb and followed 'em.

12

13 KILLEN: Do you know who, who's that other car you're
14 talkin' about? Do you know who that is?

15 P.O.GAFFNEY: At the time I didn't but now I know it was
16 845 Robert.

17

18 KILLEN: Okay. And that's the car he's talkin' 'bout
19 Pulaski and --

20 P.O.GAFFNEY: Yeah.

21

22 KILLEN: -- where they U turn and go back at 'em?

23 P.O.GAFFNEY: That's the one, that's the one yeah that's
24 the one that I, I (noise) know, I found out that
25 was the one that went over the curb, yeah.

26

27 KILLEN: Okay so you stop your (someone clears throat) car
28 where then?

29 P.O.GAFFNEY: Pretty much right behind the parkin' lot.
30 Before, before going over the curb and into the
31 street. (noise)

32

1 KILLEN: Okay. And then, and you stopped because of the
2 (noise) flat?

3 P.O.GAFFNEY: Yeah cause I, I, I didn't wanna, I didn't
4 know if I was gonna make it over the, cuz it was
5 like you know that lil part there's like lil the,
6 the, cement tongue if you will, that, that's the
7 parkin' lot. (noise) You know if I was gonna get
8 over it.
9

10 KILLEN: And you see 845 Robert continue.

11 P.O.GAFFNEY: Yeah they went they continued followin' 'em
12 and went into the street. So I --
13

14 KILLEN: And that's Pulaski you're talkin' about?

15 P.O.GAFFNEY: Yeah. Into Pulaski. So I spun around went
16 behind the park, behind the Burger King you know
17 there's a street, (inaudible) back towards
18 Pulaski where it goes out to the street on
19 Pulaski. (noise)
20

21 KILLEN: Okay so, so you don't take the curb at all. You
22 just --

23 P.O.GAFFNEY: No, no I, I, I turn around, I turned around
24 and went around the parkin' lot to, to get out
25 where there's a, there's the light on 41st Street.
26 (noise)
27

28 KILLEN: And that's where your car's stopped?

29 P.O.GAFFNEY: And then yeah I turned on Pulaski and that's
30 where my, that's where I finally stopped.
31

1 KILLEN: That's when, when I saw your car was south,
2 facin' south --

3 P.O.GAFFNEY: Yes. Yes that's right, that's where I
4 stopped.

5

6 KILLEN: Okay so then do you see what happens then after,
7 with, with the offender and 845 Robert then?

8 P.O.GAFFNEY: No that was all, yeah that was I believe
9 done before I got onto Pulaski. Cause I, I spun
10 around and that's when I, I heard, I started to
11 hear shots before I got onto Pul, I think when I
12 got onto Pulaski there was other cars and stuff
13 in front of me too. So I didn't see what exactly
14 was goin' on.

15

16 KILLEN: So you're basically goin' around Burger King.

17 P.O.GAFFNEY: Yeah that's when the shots I believe that's
18 when the shots started firin'.

19

20 KILLEN: You heard gunshots?

21 P.O.GAFFNEY: Yeah.

22

23 KILLEN: At the time did you know who was shootin'?

24 P.O.GAFFNEY: No I didn't know.

25

26 KILLEN: Could you see who was shootin'?

27 P.O.GAFFNEY: No.

28

29 KILLEN: That's because --

30 P.O.GAFFNEY: Well there's a, yeah well there's a fence
31 also right, opposite side of Burger King where,
32 where we blocked, pretty much blocked. The fence

1 with uh, like a covering you know covering fence
2 so nobody could see through the fence. Cause
3 they were building some stuff there. So yeah
4 there was that was all blockin' me.
5
6 KILLEN: There's (noise) no line a sight.
7 P.O.GAFFNEY: No, no.
8
9 KILLEN: Okay.
10 P.O.GAFFNEY: No.
11
12 KILLEN: So then by the time you, you get south on Pulaski
13 there's no more shooting correct?
14 P.O.GAFFNEY: I believe yeah I believe so. I don't
15 (noise) remember any shooting at, at, when I got
16 onto Pulaski.
17
18 KILLEN: Where (noise) when you got on Pulaski and you're
19 goin' south could you see the offender still?
20 P.O.GAFFNEY: No not, not until I got outta the car and
21 started to go you know 'round to, to where
22 everything was goin' on.
23
24 KILLEN: Where was he?
25 P.O.GAFFNEY: The offender he was on the ground at the
26 time when I, when I got over there.
27
28 KILLEN: Okay. And it's after that then you find out
29 who's shooting what happened?
30 P.O.GAFFNEY: Yeah, yeah.
31

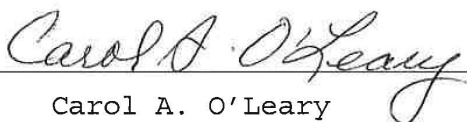
1 KILLEN: Okay. (noise) You didn't see the shooting, you,
2 you (noise) you didn't see Officer Van Dyke
3 discharge the weapon?
4 P.O.GAFFNEY: No I didn't, no.
5
6 KILLEN: Okay. (sighs) And then that, that, (noise) the
7 two people that called 9 1 1 said they were
8 holdin' the offender.
9 P.O.GAFFNEY: Hmm huh.
10
11 KILLEN: Do you have any idea who they are?
12 P.O.GAFFNEY: No not at the time, no. Cause right when
13 they just said he went around the corner, they
14 gave a quick description. We just wanted to go
15 and you know see if we can catch 'em. We didn't
16 know how long ago it was. Or where he would've
17 went. So we just you know went and see if we
18 could grab 'em and figured they woulda still been
19 there when we got back.
20
21 KILLEN: Okay. And then the knife that the offender had,
22 as best you can describe it to me?
23 P.O.GAFFNEY: Uh all silver, real bright. And prob'ly
24 'bout four to six inch blade.
25
26 KILLEN: Okay. All right. Uh was there anything you'd
27 like to add?
28 P.O.GAFFNEY: No.
29
30 KILLEN: All right everything you told me is a true and
31 accurate account of what occurred?
32 P.O.GAFFNEY: Yes.

1

2 KILLEN: All right this will conclude the audio recorded
3 interview of Officer Thomas Gaffney regarding Log
4 number 1072125 U number 14 dash 36. Today is the
5 21st of October 2014. The time is approximately
6 0424 hours.

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I, CAROL A. O'LEARY, do hereby certify or affirm that
I have impartially transcribed the foregoing from an audio
recording of the above-mentioned proceeding to the best of
my ability.


Carol A. O'Leary